



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

October 25, 2023

Meeting date:

Public Works

Department:

Title

Board Order Authorizing Jurisdictional Transfer of a Segment of Butteville Road, a County Road, to the City of Woodburn.

Agenda Planning Date: 10/12/2023

Management Update/Work Session Date: 10/10/2023

Audio/Visual aids

Time Required

Contact: Max Hepburn

Phone: 503-566-4157

Requested Action:

Staff requests approval of a Board Order transferring a segment of Butteville Road from Marion County jurisdiction to City of Woodburn jurisdiction.

Issue, Description & Background:

The City of Woodburn has submitted a written request to Marion County asking the county to surrender jurisdiction of Butteville Road within Woodburn city limits, as set forth in Intergovernmental Agreement PW-5390-23.

Financial Impacts:

The transfer will relieve Marion County of the cost of maintaining this segment of Butteville Road and will enable the City of Woodburn to manage and develop the corridor in accordance with city standards.

Impacts to Department & External Agencies:

Woodburn will assume the financial and administrative burden of maintaining the segment of Butteville Road located within Woodburn city limits. This action does not create an impact to any other Marion County departments or external agencies.

List of attachments:

- 1. Board Order Transferring Jurisdiction of a Segment of Butteville Road to City of Woodburn
2. City of Woodburn Resolution 2220

Presenter:

Max Hepburn, Public Works

Department Head Signature:

Bria Nichele

BEFORE THE BOARD OF COMMISSIONERS

FOR MARION COUNTY, OREGON

In the matter of transferring jurisdiction over)
a portion of Butteville Road lying within the)
city limits of the City of Woodburn to the City)
of Woodburn pursuant to ORS 373.270(6).)
)

ORDER No. _____

This matter came before the Marion County Board of Commissioners at its regularly scheduled public meeting on Wednesday, October 25th, 2023.

WHEREAS, ORS 373.270(6) authorizes the transfer of jurisdiction over county roads within the city limits of a city to the city upon the city's passage of municipal legislation requesting the transfer; and

WHEREAS, Butteville Road is a county road; and

WHEREAS, a portion of Butteville Road is located within Woodburn city limits; and

WHEREAS, the City of Woodburn has adopted Resolution 2220 formally initiating the transfer of jurisdiction process pursuant to ORS 373.270(6). City of Woodburn Resolution 2220 is attached hereto and incorporated herein by this reference.; and

WHEREAS, the board desires to complete the transfer of jurisdiction pursuant to ORS 373.270(6) over the portion of Butteville Road located within the Woodburn city limits subject to the conditions contained in City of Woodburn Resolution 2220; now, therefore,

IT IS HEREBY ORDERED that Marion County surrenders to the City of Woodburn pursuant to ORS 373.270(6) the portions of Butteville Road located within the Woodburn city

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limits as described in City of Woodburn Resolution 2220, subject to the conditions set forth in City of Woodburn Resolution 2220.

DATED at Salem, Oregon, this ____ day of _____ 20__.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

COUNCIL BILL NO. 3231

RESOLUTION NO. 2220

A RESOLUTION INITIATING THE JURISDICTIONAL TRANSFER OF CERTAIN COUNTY ROADS LOCATED WITHIN WOODBURN CITY LIMITS FROM MARION COUNTY TO THE CITY OF WOODBURN

WHEREAS ORS 373.270(6) provides a mechanism to transfer the jurisdiction of certain county roads within the legal boundary of the City of Woodburn ("City") from Marion County ("County") to the City of Woodburn;

WHEREAS, the City has determined it necessary, expedient, and in the best interest of the City to acquire jurisdiction over all portions of Butteville Road within the City limits currently under County jurisdiction; more generally, from the southern extent of ODOT's jurisdiction at the roundabout intersection with OR State Hwy-219 to just south of Parr Rd.; and

WHEREAS, on May 25th, 2023, the City and County entered into an Intergovernmental Agreement ("IGA") which established the terms and conditions under which the jurisdictional transfer of this portion of Butteville Road was to occur; and

WHEREAS, the terms and conditions of IGA are found in Section 3 of this Resolution; and

WHEREAS, the City, through this Resolution, formally requests transfer of jurisdiction from the County to the City over the road identified above; **NOW, THEREFORE,**

THE CITY OF WOODBURN RESOLVES AS FOLLOWS:


Section 1. The City hereby requests that, in accordance with the IGA referenced above, the Commissioners of Marion County, Oregon, transfer jurisdiction to the City for all portions of the following county road currently under County jurisdiction and located within area that has been annexed into the City:

All portions of Butteville Road, as it is incorporated, excepting that portion of "Old" Butteville Road as generally mapped in Exhibit A.

Section 2. Pursuant to the referenced IGA, the City hereby stipulates and accepts the following stipulations:

- 1) City shall honor all existing County agreements, permits, and applications in review at time of execution of the IGA for work to be or currently under construction with impacts to those segments of Butteville Road subject to the surrender request.
- 2) For any permits subject to existing County agreements or County-issued permits that have been issued but the improvements have not yet been completed, City shall comply with standards specified by County for the completion of the improvements authorized by the existing County agreements or County-issued permits.
- 3) City will enforce conditions imposed by City on City-issued development permits without transfer of conditions to entities performing road improvements under a County-issued permit.
- 4) County may issue new permits or amend existing permits for road segments and intersections under County jurisdiction until the date jurisdictional transfer is complete through the formal surrender by County.
- 5) City will honor all existing County agreements, permits, plans, and applications in review at time of execution of the IGA for work to-be or currently under construction with impacts to segments of Butteville Road subject to the surrender request.
- 6) City will not oppose County modifications to all existing agreements, permits, plans, and applications in review for work to segments of Butteville Road subject to the surrender request.
- 7) City shall secure all necessary right-of-way, and provide all engineering and financing for all future improvements performed under City's road authority of segments of Butteville Road subject to the surrender request.
- 8) City shall secure and hold all transferred funds from County in a separate budgetary account for tracking and reporting purposes, and

shall expend such funds only to address safety and/or capacity issues along the segments of Butteville Road subject to the surrender request and at correlating intersections.

Approved as to form:  9/25/2023
City Attorney Date

Approved: 
Frank Lonergan, Mayor

Passed by the Council
Submitted to the Mayor
Approved by the Mayor

September 25, 2023
September 26, 2023
September 28, 2023

Filed in the Office of the Recorder

September 28, 2023

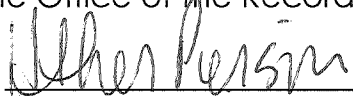
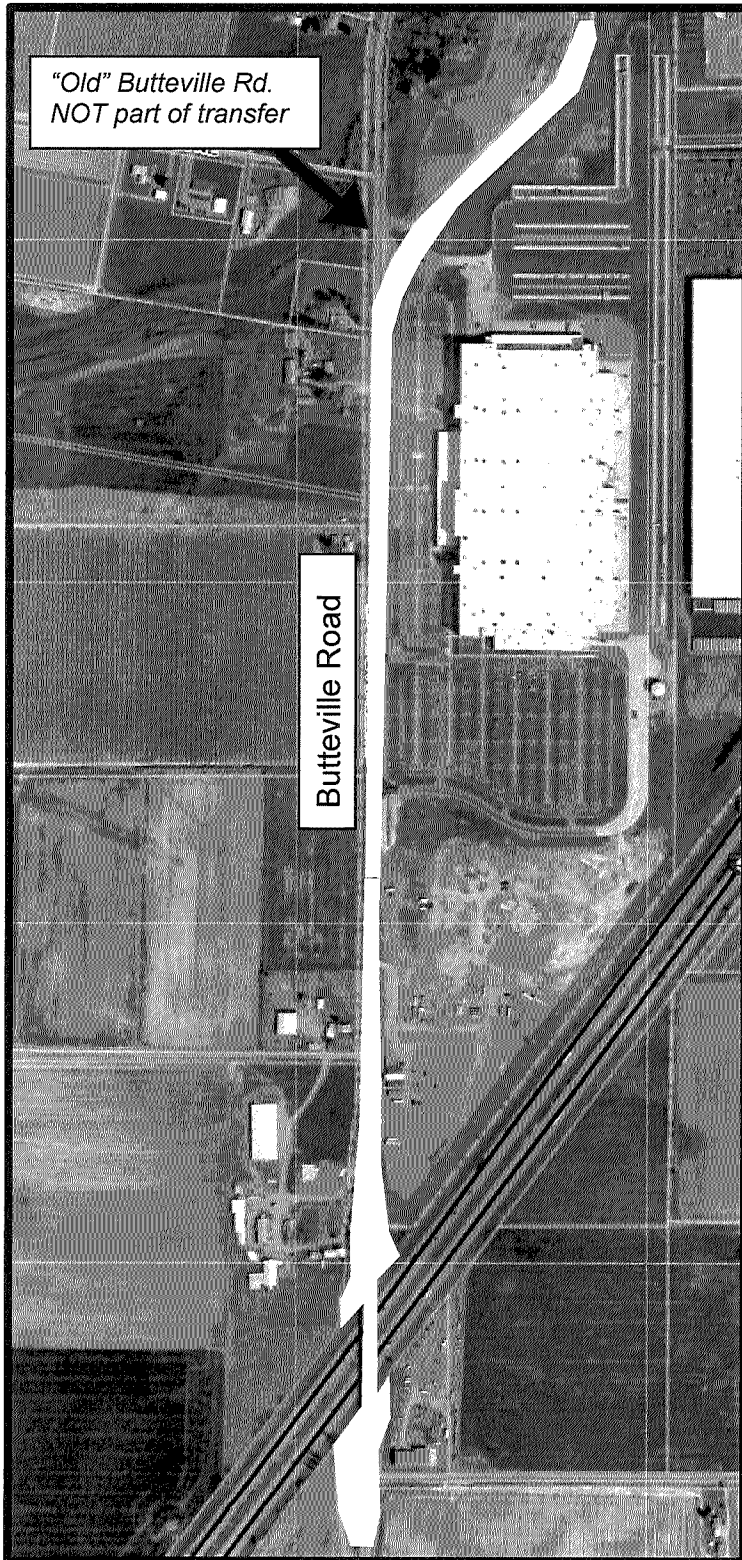
ATTEST: 
Heather Pierson, City Recorder
City of Woodburn, Oregon

Exhibit A



All of Butteville ROW,
within the City limits